

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 812 of 1995

in

SPECIAL CIVIL APPLICATION NO. 608 OF 1981

with

CIVIL APPLICATION NO. 2037 OF 1995

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

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PK KHALSA

Versus

GUJ STATE SOCIAL WELFARE ADVOSORY BOARD

Appearance:

MR PC MASTER for Appellant

MR MANOJ N POPAT for Respondent No. 1

NOTICE SERVED for Respondent No. 2

SERVED BY RPAD - (N) for Respondent No. 3

MR BY MANKAD, ASST. GOVENT PLEADER for
Respondent No. 4

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

Date of decision: 20/11/98

ORAL JUDGEMENT (Per Patel, J.)

Against the dismissal of Special Civil
Application No. 608/81 by learned Single Judge on 15/16th
February 1995, the present appeal is preferred.

The petition was dismissed mainly on the ground
that the respondent No.1 Board is neither an
instrumentality nor an agency of the State within the
meaning of Art. 12 of the Constitution. So far as the

merits were concerned, it was kept open for the petitioner to approach the appropriate forum. The appellant was also directed to make a representation and the authority was directed to consider the same and give due weightage to the fact that the petitioner worked for all this period of 17 years and that he has voluntarily retired during the pendency of this petition.

The question now involved in this matter is retirement benefit. Mr. Popat, learned advocate for the respondent No.1 Board states that in accordance with law, whatever benefit the petitioner is entitled to, will be given. In view of this statement, Mr. Master, learned advocate for the petitioner do not press this appeal. It is directed that in view of the fact that the appellant has retired long back, the respondent shall give whatever benefit the petitioner is entitled to according to law, within a period of two months from today. The appeal stands disposed of as not pressed with the aforesaid direction.

In view of the aforesaid order passed in the appeal, Civil Application No. 2037/95 does not survive and it stands disposed of accordingly. Notice is discharged.

csm./ -----